

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MARCH 19, 2002
(Approved April 2, 2002)

CALL TO ORDER/NOTING OF QUORUM

Chairperson DePrez called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Glass, Commissioner Davis and Commissioner Marks. Also in attendance were Superintendent Davis, Executive Secretary Steiner, Major Anderson, Captain Poindexter, Lieutenant Rose, Sergeant Robbins and Industry Liaison Okey.

Ronna Chappell of ILBA, Pam Ferguson and Jim Purucker of WSWI, Marc Carmichael of IBA, Grant Monahan of IRC, Tom Ristine of Ice Miller, Lisa Goldner of Bose McKinney & Evans, and Jim Calvert were present as observers.

COMMUNICATIONS FROM THE FLOOR

INDIANA WHOLESALE WINE & LIQUOR COMPANY – Peter Rusthoven and Brian Tuohy appeared before the Commission to present new information concerning Indiana Wholesale Wine and Liquor Company.

Chairperson DePrez presented a letter to Mr. Rusthoven and Mr. Tuohy requesting more information concerning this matter. She stated that the requested information should be submitted to this office by April 2, 2002 and that this matter would be scheduled to be heard before the Commission at the April 16, 2002 meeting.

DISPOSITION OF MINUTES

Commissioner Marks moved to approve the minutes that were submitted for the March 5, 2002 meeting. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

Vice Chairperson Glass moved to approve the PAD forms that were submitted for the March 19, 2002 meeting, pending signature by the Hearing Judge and Chairperson DePrez. Motion seconded by Commissioner Marks and it was unanimously approved.

APPEAL OF HEARING JUDGE'S RECOMMENDATIONS

There were no Appeals of Hearing Judge's Recommendations.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Davis and it was unanimously approved.

Five hundred twenty-two (522) renewals approved, sixty-three (63) new and/or transfer permits approved, twenty-three (23) permits conditionally approved, eleven (11) permits approved for first year escrow, and nine (9) permits approved for second year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Marks moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR58-04551 PM LOUNGE, INC. – Vice Chairperson Glass noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to disapprove.

Vice Chairperson Glass moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Commissioner Davis and it was unanimously approved.

RR82-02580 CLIFTON H. FORD, JR. – Vice Chairperson Glass noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the renewal. Motion seconded by Commissioner Marks and it was unanimously approved.

RR39-19670 DANCAR ENTERPRISES, INC. – Vice Chairperson Glass noted this is a new type 209 and new Sunday sales application with the local board voting four (4) to

zero (0) to approve the base permit application and voted three (3) to one (1) to approve the Sunday sales application.

Vice Chairperson Glass moved to uphold the local board's recommendation and approve the new 209 permit and new Sunday sales permit. Motion seconded by Commissioner Davis and it was unanimously approved.

RR45-19536 THE X CLUB, LLC – Vice Chairperson Glass noted this is a new type 210 application with the local board voting four (4) to zero (0) to approve the permittee and voted three (3) to zero (0) to disapprove the location.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the permittee and deny the location. Motion seconded by Commissioner Davis and it was unanimously approved.

RC61-89315 AMVETS PARKE COUNTY POST #61, INC. – Vice Chairperson Glass noted this is a type 211-4 renewal application with the local board voting three (3) to one (1) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the renewal. Motion seconded by Commissioner Marks and it was unanimously approved.

INACTIVE FILES

Commissioner Marks moved to make fourteen (14) permits inactive. All fourteen permits are not subject to auction. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPEALS FROM LOCAL BOARD RECOMMENDATIONS

There were no Appeals From Local Board Recommendations

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

TRANSPORTATION OF INVENTORY BETWEEN COMMONLY OWNED LOCATIONS – Industry Liaison Okey stated he received a letter from Timothy O'Hara requesting permission for Total Entertainment Corp., which is the owner of Bailey's Sports Grille, Inc. and Fox & Hound of Indiana, Inc., to transport opened and unopened alcoholic beverages from Bailey's location to Fox & Hound's location because Bailey's is closing for business. The move will take place on March 31, 2002. Mr. Okey also

stated that he informed Mr. O'Hara that he must provide this office with a complete inventory list of items that are to be moved.

Commissioner Marks moved to approve this request. Motion seconded by Commissioner Davis and it was unanimously approved.

PIKE TOWNSHIP EDUCATIONAL FOUNDATION "TREASURES FOR EDUCATION" – Pike Township Educational Foundation is requesting permission to accept a donation of wine for their annual "Treasures for Education" auction.

MUNCIE CENTER OF THE ARTS "A TASTE OF MUNCIE" – Muncie Center of the Arts is requesting permission to serve donated alcoholic beverages at "A Taste of Muncie."

WNIN ACTION AUCTION – WNIN would like to auction donated wine for their annual Action Auction.

INDIANAPOLIS SYMPHONY ORCHESTRA – Indianapolis Symphony Orchestra is requesting permission to accept a donation of wine for the Group Sales table-decorating contest.

Commissioner Davis moved to approve these requests. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

QUARTERLY INDIANA STATE EXCISE POLICE REPORT – Superintendent Davis gave a PowerPoint presentation concerning what has been going on with the Excise Police during the last quarter. This report showed an increase in citations and arrests for violations of the alcoholic beverage and tobacco laws and also numerous confiscations of weapons. Also, Superintendent Davis stated there has been an increase in educational programs given by Excise to help educate permittees and employees concerning the alcoholic beverage laws.

POLICY DETERMINATIONS

There were no Policy Determinations.

UNDER ADVISEMENT

There was nothing Under Advisement.

ANNOUNCEMENTS

Chairperson DePrez stated there would be no meeting on Primary Election Day, May 7, 2002. The Commission has not decided on the replacement date at this time.

ADJOURNMENT

Vice Chairperson Glass moved to adjourn the meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

Approved this _____ day of _____, 2002.

MARY DEPREZ, CHAIRPERSON

BARBARA L. GLASS, VICE CHAIRPERSON

JAMES DAVIS, COMMISSIONER

GIGI M. MARKS, COMMISSIONER